No. 00-836

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SUPREME COURT, U.S.

IN THE

Supreme Court of the United States

GEORGE W. BUSH,

Petitioner,

v.

PALM BEACH COUNTY CANVASSING BOARD, ET AL.,

Respondents.

On Petition For A Writ Of Certiorari To The Supreme Court Of Florida

PETITIONER'S MOTION TO EXPEDITE CONSIDERATION OF PETITION FOR A WRIT OF CERTIORARI AND TO SET EXPEDITED SCHEDULE FOR BRIEFING AND ARGUMENT

Petitioner George W. Bush, as candidate for President of the United States of America, respectfully requests that this Court expedite its consideration of the petition for a writ of certiorari in this case. Pursuant to Supreme Court Rule 25.4, petitioner further requests that, if the Court grants the petition, it expedite the schedule for briefing and oral argument.

This is a case of the utmost national importance, involving the Constitution's most fundamental rights as exercised in the Nation's most important election. The outcome of the election for the Presidency of the United States may hang in the balance.

Petitioner Bush received the most votes in the State of Florida in the presidential election held November 7, 2000. That result was confirmed by a statewide recount, and confirmed again after a tabulation of overseas absentee ballots. Yet the Supreme Court of Florida has prevented state officials from certifying the appointment of electors in ac-

cordance with the popular vote. Instead, state officials have been compelled to postpone any final decision pending the completion of a selective, capricious and standardless manual recount of ballots cast in only a handful of unrepresentative Florida counties. As explained in greater detail in the accompanying petition for certiorari, the manual recount currently being conducted is riddled with severe and pervasive irregularities, including the physical manipulation and degradation of ballots, manifest inconsistencies in counting methods, and a politically charged, partisan atmosphere—all of which have combined to spawn a process that now borders on anarchy.

Petitioner seeks a writ of certiorari to review the constitutionality of these arbitrary and *ad hoc* recount procedures, which are being employed in an apparent effort to influence after the fact the will of the citizens of Florida and possibly to change the outcome of the presidential election.* Review by this Court is warranted in order to ensure the legality, fairness, and legitimacy of the election. The Florida Supreme Court's action in this case also raises substantial federal questions as to the State's compliance with Article II and 3 U.S.C. § 5, which impose limitations on the manner in which States can resolve disputes regarding the appointment of presidential electors.

This Court's expedited consideration of the petition is warranted to halt the ongoing rampant violations of petitioner's constitutional rights, to address events that are turning the presidential election in Florida into a circus, and to restore stability by bringing the 2000 presidential election to orderly finality in accordance with constitutional law. Time is plainly of the essence: Florida must certify its representatives to the Electoral College before December 18, 2000—the date on which the College meets to select the next President and Vice President of the United States. *See* 3 U.S.C. § 7; *see also* 3 U.S.C. § 5 (setting December 12, 2000 as the deadline for resolving controversies regarding electors). If this matter is not resolved prior to that time, not only petitioners but the Nation as a whole may suffer injury from the resulting confusion. Indeed, the intense national and worldwide attention on the recount efforts to date only foreshadows the disruption that may well follow if the uncertainty and unfairness that have shrouded this election are allowed to persist. Simply put, the importance of a prompt resolution of the federal constitutional questions presented by this case cannot be overstated.

Should this Court grant the petition for certiorari, an expedited briefing schedule is necessary for the same reasons. Particularly given the importance of the issues presented, it is in the best interests of the parties, as well as the Nation, that this Court have as much time as possible to consider the relative merits of the parties' positions and to issue its decision sufficiently in advance of the Electoral College's selection of the next President and Vice President on December 18, 2000.

This Court has previously granted expedited treatment of cases involving substantial questions of national importance. *See, e.g., Dames & Moore v. Regan*, 453 U.S. 654 (1981); *United States v. Nixon*, 418 U.S. 683 (1974); *Youngstown Co. v. Sawyer*, 343 U.S. 579 (1952); *Ex parte Quirin*, 317 U.S. 1 (1942). The importance of this case is at

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* A petition for certiorari and motion for expedited consideration is being filed contemporaneously in *Siegel v. LePore*, No. _____, arising out of a federal lawsuit that raises closely related issues. Because the questions raised in that case are similar, and in many instances identical, to those raised in this proceeding, petitioner respectfully requests that the cases be consolidated for briefing and argument.

least equal to, if not greater than, those landmark decisions. The Presidency itself is at stake.

Accordingly, petitioner respectfully submits that respondents should be directed to file their response(s) to the petition by 9:00 a.m. on Friday, November 24, 2000; that petitioner submit his Reply Brief in support of Certiorari by 9:00 a.m. on Saturday, November 25; and that the Court issue its ruling on the petition as soon as practicable thereafter.

If certiorari is granted, petitioner submits that opening briefs for petitioner and respondents, together with any *amicus curiae* briefs, should be filed and served by 7:00 p.m. on Wednesday, November 29, 2000; that reply briefs for petitioner and respondents to be filed and served by 7:00 p.m. on Friday, December 1, 2000; and that oral argument to be held on the afternoon of Tuesday, December 5, 2000.

Respectfully submitted this 22d day of November, 2000.

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CERTIFICATE OF SERVICE

I hereby certify that I am a member in good standing of the bar of this Court and that on this 22nd day of November, 2000, I caused one copy of **PETITIONERS' MOTION TO EXPEDITE CONSIDERATION OF PETITION FOR A WRIT OF CERTIORARI AND TO SET EXPEDITED SCHEDULE FOR BRIEFING AND ARGUMENT** the Petition For A Writ Of Certiorari to be served by facsimile, and one copy to be served by United States mail, postage prepaid, on counsel identified below. All parties required to be served have been served.

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